

BLACK REPUBLICAN
IMPOSTURE EXPOSED!

FRAUD UPON THE PEOPLE!

FREMONT NO SOLDIER!

WASHINGTON:
1856.

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FREMONT NO SOLDIER.

The Black Republican party, in the pursuit of some name to mislead a popular enthusiasm, always prompt to appreciate noble and generous traits, have taken up that of Mr. Fremont. They claim that he has rendered public services in war, diplomacy, and science, which show him to be eminently fit to discharge the duties of the Presidency, and that he has developed qualities which entitle him to that office at the hands of a generous and grateful people.

It is our purpose to examine these pretensions with fearlessness, impartiality, and truth. We shall show from the records that, whether advanced by Mr. Fremont or his adherents, they constitute a false and fraudulent attempt to deceive, by claiming honors which belong to others, and by pretending to have performed services with which Mr. Fremont had nothing to do, to reach the Presidency by a STUPENDOUS IMPOSTURE! to be practised upon the American people.

The first of these claims which we shall refute is, that *Colonel Fremont began the conquest of California.*

This claim is asserted in the following quotation :

"The prudence, heroism, skill, and endurance displayed by Colonel Fremont in the conquest of California."(1.) * * * * "The Colonel [Fremont] complied with the Commodore's [Stockton] request, waiving the rights which he might have asserted as the CONQUEROR and LIBERATOR of the country," [CALIFORNIA.] (2.) * * * "All that remains to be told of the conquest of California by Colonel Fremont."(3.) "Waived all rights he [Fremont] might have claimed as the real CONQUEROR of California."(4.) "Thus, like Columbus, Colonel Fremont returned from the discovery and conquest of a new world beyond the Rocky mountains, a prisoner and in disgrace."(5.)

"Under these circumstances, he determined to turn upon his Mexican pursuers, and seek safety both for his own party and the American settlers, not merely in the defeat of Castro, but in the total overthrow of the Mexican authority in California, and the establishment of an independent government in that extensive department. It was on the 6th of June, and before the commencement of the war between the United States and Mexico could have there been known, that this resolution was taken; and, by the 5th of July, it was carried into effect by a series of rapid attacks, by a small body of adventurous men, under the conduct of an intrepid leader, quick to perceive and able to direct the proper measures for accomplishing such a daring enterprise."(6.)

"We made common cause, and I determined to seek safety, both for them and ourselves, not merely in the defeat of Castro, but in the total overthrow of Mexican authority in California, and the establishment of an independent government in that extensive province. In concert, and in co-operation with the American settlers, and in the brief space of about thirty days, all was accomplished north of the bay of San Francisco, and independence declared on the 5th day of July. This was done at Sonoma, where the American settlers had assembled.

(1.) Bigelow's Life of Fremont : New York, Derby & Jackson, 119 Nassau street ; and H. W. Derby & Co., Cincinnati, 1856.

(2.) Id. 161.

(3.) Id. 186.

(4.) Id. 190.

(5.) Id. 214.

(6.) Id. 149.

I was called, by my position, and by the general voice, to the chief direction of affairs, and on the next day, at the head of 160 mounted riflemen, set out to find General Castro."(7.)

We have cited authorities to show that Colonel Fremont claimed to have commenced the conquest of California, and to be the true "CONQUEROR and LIBERATOR" of that province. This claim is repeated almost in the same terms by his father-in-law, Mr. Benton, by the Secretary of War, Mr. Marcy, and by the biographer of Mr. Fremont. For all of which, himself and his party are responsible until they shall have disavowed or contradicted the claim.

CONQUEST BEGUN BY INDEPENDENT AMERICAN SETTLERS.

It seems that the governments of the United States and Mexico apprehended a collision long before the war between them actually begun. The Mexican government, in the months of January and February, 1846, ordered the governor of California to expel all foreigners from that province. During the month of May, the authorities were organizing a force to execute this order. The foreigners took the alarm. They determined to resist the decree of expulsion, revolutionize the government of California, and like the Texans apply for admission into the Union. We must refer our readers to the admirable speech of Senator Thomson, of New Jersey, for a narration of the first measures taken by the American settlers to protect themselves and maintain their independence,(8) as well as for conclusive proof that Colonel Fremont did not begin the conquest of California.

There are other evidences going to show that Colonel Fremont was not regarded by his cotemporaries as the author of the independence of California. They will be found in the correspondence between Commander Montgomery, of the "Portsmouth," and Commodore Sloat, and also in the correspondence between Commander Montgomery and Captain John D. Grigsby, commanding the military post of Sonoma, and of the same officer with Captain Fremont. This correspondence shows that the independent settlers corresponded upon their own authority, and that the officers of the United States navy did not recognise Captain Fremont in any other capacity than as an officer of engineers.

But it is claimed by Colonel Fremont and his friends, *that the declaration of independence was the cause of the first act of conquest by Commodore Sloat.*

To insure the merit of having either conquered California or caused its conquest, Colonel Fremont has, in the personal narrative with which he prefaches his defence before the court-martial, deduced his title with great logical skill from the claim that he made the declaration of independence. This deduction is a fabric very carefully underpinned with three or four assumptions, either of which being touched, the demonstration tumbles to the ground.

"Commodore Sloat," says Mr. Fremont, "arrived at Monterey on the 2d of July. He did not take it; he hesitated; on the 7th he did. He

(7.) Id. 230.

(8) See Senator Thomson's speech, delivered in the Senate, 9th August, 1856.

had by that time heard of my operations, and supposed I had positive instructions." He then adds: "Commodore Sloat's action was determined by mine. This action of the 7th anticipated the arrival of Admiral Seymour, who found the American flag flying, when it is probable he came prepared to be invited to plant the British."

Therefore, argues Colonel Fremont, if he had not established the independence of California, Commodore Sloat would not have captured Monterey; and if he had not captured Monterey, Admiral Seymour would have taken possession of and protected California. But, in order to make this claim of having established the independence of California as impressive as possible, Mr. Benton takes a trifling liberty with facts and dates, and invests it with all the dramatic interest of a tableau. He says:

"The next day (16th) Admiral Seymour arrived; his flag-ship, the Collingwood, of 80 guns, and his squadron the largest British fleet ever seen in the Pacific. To his astonishment he beheld the flag flying over Monterey, the American squadron in its harbor, and *Fremont's mounted riflemen encamped over the town*"—[our italics.] "His mission was at an end; the prize had escaped him; he attempted nothing further, and Fremont and Stockton rapidly pressed the conquest of California to its conclusion."⁽⁹⁾

Now, as the despatches of Commodore Sloat say, on the 15th July, that he is "wholly at a loss as to the whereabouts of Captain Fremont,"⁽⁹⁾ and as the same officer says that Purser Fauntleroy found Captain Fremont at St. John's on the 17th July, and with him "returned to Monterey on the 19th,"⁽¹⁰⁾ it must follow that Admiral Seymour must have been terrified by an optical delusion. Indeed, it so happens that the biography from which we quote proves that the presence of Fremont could not have contributed to prevent the intervention of the British fleet.

"It happened," says the biography, "that the British ship of war Collingwood, of 80 guns, had arrived about a week after the capture, (of Monterey.) Among the officers of the Collingwood who happened to be at Monterey and *saw Fremont enter the place with his company*, [our italics] was Lieutenant Frederick Walpole, who has given us his impression of the spectacle."

And Commodore Sloat says that "the visit of the (British) Admiral was very serviceable to our cause in California, as the inhabitants fully believed we would be obliged to abandon our conquest; but when they saw the friendly intercourse subsisting between us, and found that we could not interfere in their behalf, they abandoned all hope of ever seeing the Mexican flag fly in California again." So it appears that Colonel Fremont neither asserted the independence of California nor caused its occupation by the navy of the United States.

He has been convicted of an unworthy attempt to convert to his own purposes the achievements of others.

We leave the navy to take care of itself, as it has done and will do; but we cannot withhold an expression of indignant sympathy for the poor settlers, from whom the honor of having achieved their own independence is to be taken away.

They were very plain men, not fillibusters. "We wish your advice

(9) See Ex. Doc. No. 1, 2d session 30th Congress, page 1025.

(10) Ex. Doc. No. 1, 2d session 30th Congress, page 1007.

in all respects," says "John Grigsby, captain," writing on the 16th July from Sonoma to Commander Montgomery, "as we are not a company of men accustomed to such business." But though not accustomed to the "business" of making revolutions, they succeeded very well. The revolution had been made at the risk and on account of these independent settlers. They risked life, family, and property. They were compelled to stand and resist. For them there was no retreat, no escape. Colonel Fremont risked nothing. He had a party of men, unincumbered by the ties of property or kindred, prepared to recross the mountains to the United States at a moment's warning. He was outlawed in California. If the revolution made by the settlers was successful, he was safe in California; if unsuccessful, he was but obliged to do that which he had been compelled to do any way. The revolution was perfectly successful, and Colonel Fremont accepts the protection which it affords him. Yet, no sooner does an opportunity offer to turn these the deeds of these humble but heroic men to his own personal advantage, than Colonel Fremont seizes upon these acts as his own, establishes his claims by the testimony of a little home-made history, and not only does he ignore the existence of his protectors entirely, but boldly claims all they have done as his own!

CONQUEST CONTINUED BY COMMODORES SLOAT AND STOCKTON.

We now proceed with our refutation of the claim that *Colonel Fremont effected the conquest of California in conjunction with Commodore Stockton.*

For this modification of the original claim of conquest there is a substantial reason. Upon the trial of Colonel Fremont, before the court-martial, on a charge of military insubordination, he disclaimed the honor of having been the sole "conqueror and liberator of California," and took in a partner; the firm of conquest thenceforth became

FREMONT AND STOCKTON.

This was indispensable, because the persistence in the original claim would not only have involved a sentence of capital and infamous punishment, but the authority of Governor Fremont to have drawn bills, bought cattle, and done other acts, depended upon the fact of a conquest of California made under the law of nations by Commodore Stockton, from whom Colonel Fremont derived his gubernatorial commission.

If Commodore Stockton was the conqueror of California, Col. Fremont stood acquitted of all charge, and his contract as governor stood firm; if Commodore Stockton was not the conqueror of California, Col. Fremont was an usurper, an insubordinate soldier, a defaulting adventurer.

Here is the act of abdication :

"That I was then governor and commander-in-chief in California, is proved by the testimony of Commodore Stockton; and the production of his original commission, and his right to bestow that commission upon me, resulted from his own right to constitute himself governor. Both acts were done under the law of nations, and by virtue of the law of conquest;"(11) [Our italics.]

(11) Sen. Ex. Doc. No. 33, 1st session 30th Congress, page 409.

"I am advised by counsel that the appointment of himself as governor by Commodore Stockton was a valid appointment under the law of nations, and that, upon the same principle, his appointment of myself as his successor was equally valid; and that in neither case was the approval of the President of the United States necessary to the validity of the appointment."(12)

In addition to this, Col. Fremont pleaded that he was "a military subordinate;"(13) that he was "an incident and a subordinate in this contest, where it had originated and turned up here for criminal prosecution;"(14) a subordinate in rank as in this contest."

He also entered a protest against the trial by court-martial, on the ground that Commodore Stockton and General Kearney were contending for "supreme command in California; that the decision of that contention was attempted to be devolved upon Lieut. Col. Fremont, as commander of the California battalion, by Gen. Kearney giving him orders in contradiction to those of Commodore Stockton, which decision Lieut. Col. Fremont declined to make, and determined to remain, as he and the battalion were, under the command of Commodore Stockton, until his two superior officers decided their own contest. Looking upon this to be the correct answer, the undersigned feel it to be their duty to PROTEST, and do PROTEST, against trying that question in the person of Lieut. Col. Fremont."(15)

It was thus the conqueror squatted down between Stockton and Kearney, and putting up his hands, protested that he was but "a subordinate" and "an incident"—a mere incident to the conquest! that the question of comparative supremacy was between his "two superior officers," and "ought not to be tried in his person." He has been compared to Columbus, brought from the field of conquest and discovery in chains. Col. Fremont resembles rather the repentant Panza, willing to give up the honors if he be but relieved from the responsibilities of office.

But notwithstanding this formal and solemn act of abdication and this quit-claim to conquest, Colonel Fremont, like the philosopher recanting the theory of terrestrial rotation, continued to mutter:

"If Commodore Stockton had not taken the command and lead in the war, I should have continued the war as I began it, with the men of my topographical party and the American settlers, and had not and have not a doubt of our success."(15)

Whilst his parental biographer and counsel, who had put in the various acts of abdication in a fruitless attempt to shield him from the condemnation of the court-martial, boldly renews the claim that

"The fate of California would have been the same whether the United States squadron had arrived or not, and whether the Mexican war had happened or not."(16)

The act of abdication is, however, final. It releases the merit of having conducted the conquest, and no subsequent assertion of the same claim can ever revive it.

Such is the humiliating withdrawal of a claim asserted at the expense of others.

(12) *Idem*, 371.

(13) Letter to Adjutant General, 17th April, 1847.

(14) Sen. Ex. Doc. No. 33, 2d session 30th Congress, page 40.

(15) Sen. Doc. 33, 1st session 30th Congress, p. 375.

(16) "Thirty Years' View," quoted by Bigelow at page 145.

But it was only withdrawn when the assertion was unsafe, to be renewed again when there was prospect of political profit.

But lest it be alleged that we have taken a disclaimer extorted from Colonel Fremont under the stress of a capital trial, we intend to prove, by an extended though a succinct narrative of the campaign of conquest, that Colonel Fremont did not participate in any active event, nor is entitled to any share of the honor.

It is claimed that Colonel Fremont could have effected the conquest of California without the assistance of the American navy, or without even the declaration of war by the United States against Mexico.

Let us examine and refute this preposterous demand upon public credulity.

We have a right to infer that Colonel Fremont, upon his return to California from Oregon, was destitute of the means for effecting an independent revolution. He had just accomplished a toilsome journey, attended with great loss of stock and supplies. He had applied to the commander of the United States ship the Portsmouth for assistance. Commander Montgomery says, under date of the 9th July, 1846: "To the latter (Captain Fremont) I have supplied funds and stores amounting to \$2,199."

According to Captain Grigsby the forces at Sonoma numbered about fifty men capable of bearing arms. As an indication of the resources of the settlers, Captain Grigsby says:

"There are some poor men here (Sonoma) that are getting very short of clothing. I wish to know in what manner they might be procured for them. If there be no provision made, they will be compelled to leave." (17)

When Colonel Fremont arrived at Monterey on the 19th July, 1846, he had 160 men. This was his whole force. This, then, was the "in put" of Colonel Fremont into this copartnership of conquest. Let us see the comparative contribution of the United States.

Commodore Sloat appeared at Monterey with a squadron, consisting of the frigates Congress and Savannah, the sloops of war Portsmouth and Cyane. There were at Monterey 360 men furnished from the "Congress." There were other vessels on the Pacific coast. They had taken several prizes. They had on board men, arms, and provisions; they had money, and power to command by loan or requisition any money in private hands in the hands of California merchants, for almost all the cities of California were under the broadside of the American squadron. They were blockaded. We have shown that they had no hope of foreign aid, and might be sacked, burned, or razed to the ground. Mexico was at that time engaged in war with the United States, and unable to spare a man or a weapon for the defence of California. The American fleet had blockaded Acapulco and San Blas, occupied Mazatlan, bombarded and reduced Guaymas, and swept the whole Pacific coast without resistance.

Now, to determine the truth of the assertion that Colonel Fremont could have conquered California by himself, he should first refund the stores and supplies furnished him by the United States. He would then

(17) See Sen. Ex. Doc. No. 1, 2d session 30th Congress, page 1032.

have been left with 160 men to encounter the whole power of Mexico, with the aid of "the largest British fleet which had ever been seen in the Pacific." We have no opinion of the military capacity of Mexico, and an abiding faith in the resolution and resources of the American settler in arms. But that excess of numbers will prevail over any degree of discipline and courage, we may cite the lamentable massacres which occurred in the early struggles of Texas.

We therefore dismiss this unmeaning boast, as only intended to impose upon and deceive those who may not pause to examine its absurdity.

With these formidable resources, Commodore Sloat on the 7th July had "disembarked 250 seamen and marines" at Monterey, and landed under "command of the guns of the ships." He made a stockade fort around the valley at Monterey; built a block-house; mounted two or three 42-pounders on one side, three or four long 32's to command the bay, and organized a large party of horse. When he left Monterey, he reported that no further opposition would be made to our taking possession of the whole of the Californias.

Such, then, was the relative contribution to the conquest made by the two parties, between whom it is now proposed by the Black Republicans to divide an honor which they cannot monopolize.

We return to the proof, that Colonel Fremont did not effect the conquest of California in conjunction with Commodore Stockton.

When the coast cities of California had been reduced by the American squadron, Commodore Stockton advanced upon the only interior city of California—the City of the Angels, the seat of provincial government. It was upon this expedition that Colonel Fremont and his command joined the navy of the United States, under the command of Commodore Stockton. Our readers will remember that the chief cities in California were situated on the coast, and the City of the Angels, the seat of government, a short distance (27 miles) from San Pedro, upon the coast. On the 23d July, 1846, Colonel Fremont embarked at Monterey with his command upon the Cyane. He was to go to San Diego, a distance of about 140 miles from the City of the Angels.

About the 6th of August, Commodore Stockton was upon his advance from San Pedro, with about 360 seamen and marines; and Col. Fremont was moving upon the same object from San Diego. The enemy, under General Castro, made demonstrations upon the line of march of Commodore Stockton. They sent commissioners to treat with him; he refused. General Castro buried his guns, and his men dispersed. A number of the officers of the Mexican army were captured and made prisoners of war.

"Amongst them were José Manuel Flores and Don Andres Pico, brother of the governor. These officers were released upon their parole of honor not to bear arms against the United States pending the war, unless exchanged."(18)

On the 13th of August Commodore Stockton was joined by Colonel Fremont, and took possession of the City of the Angels.

This, then, was the second act of conquest. It consisted of the reduction of *all* the seaport cities of California. The dispersion of the

army of General Castro, and the capture of the seat of government, were acts effected by Commodores Sloat and Stockton. Col. Fremont was not present at any one of them, and entered the City of the Angels *after* the army organized for its defence had been dispersed by Commodore Stockton.

It is very plain that up to this period there can be no pretence that Colonel Fremont had participated in or contributed to either the first or second acts of conquest. Thus far he had been fed, furnished, transported, and protected by the navy.

CONQUEST ENDED BY COMMODORE STOCKTON AND GEN. KEARNEY.

The next claim which is brought forward by the Black Republicans to prove the warlike character of their candidate is, that *Colonel Fremont terminated the conquest of California by the convention of Couenga.*

No sooner had Commodore Stockton received the surrender of the City of the Angels, than he placed Lieutenant Gillespie, with a part of the California battalion, in garrison at that city, and returned on the 5th of September to San Pedro. Colonel Fremont was despatched to recruit upon the Sacramento. On the 30th of September, being at Monterey, Commodore Stockton received information that an insurrection had broken out, and that Lieutenant Gillespie was besieged in the government house. Gillespie capitulated, and marched down to San Pedro, from which place, in conjunction with Captain Mervine, he made an ineffectual attempt to recapture the seat of government.

The conquest of California was therefore incomplete and imperfect. It involved a tedious and difficult campaign which lasted through four months, presented some eventful scenes, and introduced some new and important actors.

During this campaign we propose to take up the movements of Col. Fremont's battalions, and show that "the fate of California would have been the same, whether the battalion of Colonel Fremont had ever been in the field or not." We shall show that neither the battalion nor Col. Fremont participated in any active measures. That the famous capitulation of Couenga embarrassed the conquest, and would, if respected by Commodore Shubrick and General Kearney, have prevented the conquest from being final and conclusive of American authority over California. We will first give the movements of this

BATTALION IN SEARCH OF A BATTLE.

The reader has been made perfectly familiar with the earlier movements of the California volunteers under the command of Colonel Fremont. We have narrated its first expedition under the American flag, terminating in the capitulation of the City of the Angels to Commodore Stockton, on the 13th August. Up to this date it had achieved nothing.

Early in September, the battalion (120 strong) left the City of the Angels for upper California. It was here, whilst Col. Fremont was recruiting his command, that he performed a miracle as an Indian tamer.

"It was said that 1,000 Wallah-Wallahs were advancing to attack Sutter's fort." (19)

Colonel Fremont "took three men with him, and went directly to meet the Wallah-Wallahs." "They were perfectly subdued by his talk and manner of treating them, at once gave up their plan of attacking the whites, and agreed to go off on a winter's hunt." "In this way he not only stopped an Indian war," &c. It is true that a few months before, Colonel Fremont had been "stopped by impassable mountains and hostile Indians, whom he could not tame." It is moreover true that Stockton believed "the reports in regard to the Wallah-Wallah Indians had been greatly exaggerated; they were not so numerous as had been represented, nor had they any hostile intentions. * * * I have a message from the chief, (o the Wallah-Wallahs,) stating that he was friendly and would come and see me." (20.)

Still the biographers make Colonel Fremont stop this Indian war, though even in this conquest the unlucky battalion was not along. But there was work of more importance for that body than mesmerizing the Wallah-Wallahs. So being about one hundred and sixty strong, it embarked once more at San Francisco for Santa Barbara, there to get horses to reconquer the perverse City of the Angels, which had thrown off the yoke and required resubjugation. Commodore Stockton had landed again at San Pedro, but "having been compelled to relinquish all expectation of the co-operation of Major Fremont," determined to go down to San Diego. Now the fated battalion had sailed from San Francisco for Santa Barbara, but having heard from a merchantman that it would be impossible to get horses at that place, it changed its destination, and, to use the expression of its commander, "hauled up" to Monterey,* from which place it would march to the City of the Angels, distant four hundred miles, whilst Commodore Stockton should march upon the same place from San Diego. This was their position about the first of December, when the battalion set out on its march. Except the capture and pardon of Don Andres Pico, one of the gentlemen who had broken his parole of honor given at the City of the Angels in August, and the loss of one hundred horses in one night, there was nothing in the progress of the battalion worthy at this time to be related.

But Commodore Stockton was still at San Diego, unable to move, for want of horses and cattle. This was about the first of December.

We turn to other events material to the result.

In June, 1846, the government of the United States had organized "the army of the west," under the command of General Kearney. That officer proceeded to New Mexico, of which he took possession in the name of the United States. He detached much the largest part of his army upon an expedition to Chihuahua, and proceeded under the orders of the government to take command of the United States forces in California. He met upon his march an express sent by Comodore

(19) Upham, quoted by Bigelow, page 172.

(20.) Sen. Doc. 31, 2d sess. 30th Cong., page 13.

* Midshipman Wilson gives a different reason for his return. He says: "On our way down we met and spoke the American ship *Vandalia*. I was sent on board by Colonel Fremont to learn the news: Mr. Howard, the supercargo, returned with me, and from him Colonel Fremont received the information that the force under Captain Mervine had been defeated; that it was entirely owing to his not having artillery on the march against the enemy, and that the southern part of the country was in possession of the enemy. Hearing this, Colonel Fremont determined to return to Monterey, and send to the Sacramento for his cannon, horses, and reinforcements of men."—(Ho Reps. Ex. Doc. 77, 1st session 33d Cong. p. 41) [Our italics.]

Stockton, informing the government of the United States of his having conquered the country. General Kearney was so far misled by this news, that he detached the stronger portion of his remaining force and set out for the Pacific scenes, described by the despatches, with an escort of about one hundred dragoons. To his astonishment he found the whole of California, from the eastern boundary to the seashore, in a state of active insurrection, not respecting their paroles, and rebelliously refusing to stay conquered or to be mesmerized into "a winter hunt" like the Wallah-Wallahs. General Kearney commenced his advance to San Diego. On the 6th and 7th of December he fought the battles of San Pasqual, where he lost eighteen officers and men killed and had thirteen wounded. This exceeded the whole mortality of the conquest thus far. The veteran Kearney found this Paradise lost. It was in such a state of insubordination that but for two detachments sent to his aid by Commodore Stockton, he would have been compelled to cut his way to San Diego, or been massacred by the enemy which surrounded him.

After General Kearney's arrival at San Diego, a joint expedition was fitted out by Commodore Stockton and himself, against the City of the Angels. It numbered nearly five hundred men, and left San Diego on the 29th December. On the 4th January, 1847, Commodore Stockton and General Kearney received proposals for a treaty of peace.

"A flag of truce, borne by three commissioners," says Lieutenant Colonel Emory, "brought a letter from [J. M.] Flores, who signed himself governor and captain-general of the department of California, proposing to suspend hostilities in California, and leave the battles to be fought elsewhere between the United States and Mexico, upon which was to depend the fate of California. * * The commissioners returned with a peremptory refusal of the proposition of the Governor and Captain General Flores."(21)

In reply to this, Commodore Stockton has said :

"I informed the commissioners that I could not recognise José M. Flores, who had broken his parole, as an honorable man, or as one having any rightful authority, or worthy to be treated with: that *he was a rebel in arms, and if I caught him I would have him shot.*"

On the 8th and 9th of January, Commodore Stockton and General Kearney fought the battles of San Gabriel, and dispersed the whole force of the enemy. Of these battles, Lieutenant Colonel Emory says, in his journal of the 18th, 19th, and 20th January, 1847 :

"The battles of the 6th December, and the 8th and 9th January, 1847, had forever broken the Mexican authority in California, and they were daily coming in great parties to sue for peace, and every move indicated a warm desire to yield without a struggle to the United States authorities."(22)

On the 13th January, 1847, Stockton and Kearney entered and conquered without resistance the seat of government of California.

"A few days AFTER we had taken the City of the Angels," says Commodore Stockton, "Lieutenant Colonel Fremont arrived with his part of the battalion."(23)

It was on the 11th January, 1847, Colonel Fremont, on his march to

(21) Notes of a military reconnaissance, made by Lieut. Col. W. H. Emory, in 1846-7, with the advanced guard of the army of the West.—*S. Ex. Doc., No 7, 30th Cong. 1st ses.*, page 117.

(22) Notes of a military reconnaissance made by Lieut. Col. W. H. Emory, in 1846-'47 with the advanced guard of the army of the West, page 123.

(23) Senate Ex. Doc. No. 1, 2d session 30th Congress, page 1052.

the City of the Angels, met with a small remnant of the enemy under the insurgent chieftains, Flores and Pico. They had, as we have seen, been defeated and refused parley by Commodore Stockton. They were outlawed and under sentence of death. They sought to make terms with Colonel Fremont. Their numbers are said by General Kearney, upon the information of others, to have been about sixty. Here is the grandiloquent description of their surrender dignified as the CAPITULATION OF COUENGA:

"We entered the plains of Couenga," says Colonel Fremont, "occupied by the enemy in considerable force, and I sent a summons to them to lay down their arms or fight at once. The chief desired a parley with me in person. I went alone to see them, [Don Jesus Pico being only with me.] They were willing to capitulate to me; the terms were agreed on. Commissioners were sent out on both sides to put it into form. It received the sanction of the governor and commander-in-chief, Commodore Stockton, and was reported to the government of the United States. *It was the capitulation of COUENGA. It put an end to the war and the feelings of war. It tranquilized the country, and gave safety to every American from the day of its conclusion.*(24)

This is a braggart and unfounded pretension to honors due to another. Listen to the contemporaneous report we have heretofore quoted from the report of Commodore Stockton, respecting the surrender and parole of this J. M. Flores, Don Andres Pico and others. It appears that about the first of October, Jose Maria Flores and three hundred others repudiated their parole and published a proclamation, in which they renew the war. In this proclamation they say :

"All North Americans being enemies of Mexico, we swear not to lay down our arms till they are expelled from Mexican territory."(25)

Now it was these officers who had thus violated their parole, who had waylaid General Kearney and his escort, and compelled them to fight the bloody battles of San Pasqual. It was the same force that had disputed the passage of the San Gabriel with Stockton and Kearney on the 8th and 9th of January.

They had given their parole in the presence of Colonel Fremont, and their appearance under arms was a proof that they had broken it. He had been informed that Commodore Stockton and General Kearney had "met and defeated the whole force of the Californians on the 8th and 9th."

It will be remembered that Commodore Stockton, on refusing to treat with these parole breakers, had sent word to General Flores that if he caught him "he should be shot."

Under these circumstances, it is very natural that these malefactors should have sought to obtain mercy in another quarter, and especially from him who had just pardoned and taken to his bosom another violator of his pledge of honor.

Their motives are thus explained by Commodore Stockton :

"It seemed that not having been able to negotiate with me, (Stockton,) and having lost the battles of the 8th and 9th, they (Flores & Co.) met Colonel Fremont on his way here, (the City of the Angels,) who, not knowing what had occurred, entered into the capitulation

(24) Senate Ex. Doc. No. 33, 1st session 30th Congress, page 379.

(25) Sen. Ex. Doc. No. 31, 2d sess. 30th Cong., p. 15.

with them which I now send to you; and although I refused to do it myself, still I have thought it best to approve it."(26)

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"Immediately after the battles of the 8th and 9th January, they [the insurgents] began to disperse, and I am sorry to say that their leader, José M. Flores, made his escape, and that the others have been pardoned by a capitulation agreed on by Colonel Fremont."(27)

We can well appreciate the vexation of Commodore Stockton at seeing offenders who had occasioned him so much trouble, escape the just responsibilities of their conduct by an improvident pardon, and it only requires the perusal of the articles of capitulation to account for the extraordinary anxiety of Messrs. Flores and Pico to find some American officer to whom they could surrender. They had been fighting with a halter around their necks, and naturally desired to get rid of it.

The most important article of the capitulation, to the Mexican officers, was as follows:

"ART. 2. The commissioners on the part of Lieut. Colonel Fremont agree and bind themselves on the fulfilment of the 1st article (the engagement to surrender) by the Californians, that they shall be guaranteed protection of life and property *whether on parole or otherwise.*" Id. 22.

These last words made the convention of Couenga, and saved the necks of Messrs. Flores, Pico & Co. Commodore Stockton reluctantly respected it, and spared the traitors.

But it is very unfair to claim that this pardon of the parole breakers was a conquest, and that Col. Fremont was thereby entitled to the merit of having concluded the war and established a peace. The battles fought by Stockton and Kearney compelled the capitulation. It was a private speculation of Messrs. Flores and Pico, who, having been refused all grace by Stockton, went in search of Fremont and surrendered. As for the convention, it meant nothing and effected nothing, except to save the lives of those unworthy men. Every one knew that the Mexicans would abide by the convention, if in their favor; and every one knew that if the fortune of war should change, the men who had violated the parole of Los Angeles would not respect that of Couenga. If we were given to special pleading, we would even say that the convention destroyed Colonel Fremont's claims to conquest, since it made terms of agreement with armed men and did not dictate the conditions of peace. It was but an agreement between certain partisan forces on the one side, and a subordinate officer of the invading army on the other. It derived its obligation not from the act of Colonel Fremont, but from the approbation of his superiors. It was but an amnesty and an armistice, subject to abrogation by the refusal of either party to ratify it. It was repudiated, except as to the amnesty to the parole breakers, by the proclamation of Commodore Shubrick and General Kearney. It was a triumph of Mexican diplomacy.

The Mexicans had been routed at all points. They had offered to

(26) Stockton's letter to Secretary of the Navy, 13th January, 1847. Sen. Ex. Doc. 31, p. 21, 2d session 30th Congress.

(27) Id. page 20.

capitulate, and had been refused. The Americans were in force sufficient to have held the country by unconditional conquest.

The Mexican general, and many of his officers, were beyond the pale of protection according to the usages of civilization warfare. Colonel Fremont raised these perfidious men from the ground and treated them as his equals.

We say nothing of the egotism and injustice of this claim that the convention of Couenga settled the war. Commodore Stockton had been in command from the commencement of the armed occupation of California. He had conducted all the operations by sea and by land. The veteran Kearney had been deputed by his government to take possession of the country. He had fought the bloodiest battle in California, and taught the enemy that the American soldier is invincible under any disadvantage.

The enemy had been treated with mercy. He had shown himself unworthy of indulgence. He had been chastised and driven into an unconditional surrender, and just when he was compelled to stow his arms and case his banners in unconditional submission to his legitimate conquerors, Colonel Fremont interposes, and, without warrant, and almost in sight of his superior officer, binds himself in a covenant with an enemy who has proven faithless to his word, and then claims the exclusive fruits of the whole campaign.

The battalion then went into winter quarters at the City of the Angels, where they ate beef until March 16th, when they refused, to a man, to enter the service of the United States, and were soon after "unanimously" discharged.

COLONEL FREMONT PRESENT AT NO BATTLE.

Yet it was upon this immortal campaign of nearly eight months, in which the battalion seems to have slain nothing but cattle, when they seem never to have encountered an enemy whom they did not instantly parole, when they never arrived at any battle until a few days *after* it had been fought, that Colonel Fremont founds the claim to the honor of having conquered California! Whether it was merely bad luck which *always* prevented them from effecting a junction until after the battles were fought, or whether, like the unfortunate "six hundred" at Balaklava,

"Some one had blundered,"

we cannot say; but if this battalion of Colonel Fremont's beef-eaters ever fired a gun at anything except a cow, in the campaign, it has never been made known to history. It is no wonder that Colonel Fremont could have travelled over the same ground again without guards or escort, as he claims he could have done. He had paid such extravagant prices for beef, that the Mexicans had come to regard him rather in the light of a customer than a conqueror.

We are sensible of the difficulty of proving a series of negatives; but we have undertaken to do so, in the confidence that the historical evidences of the campaigns in Mexico furnish the materials to disprove every specific claim to military or civil services made by Colonel Fremont or his friends.

We are satisfied, from this review of his pretensions, it has been shown:

1st. That Colonel Fremont did not declare or establish the independence of California, that act having been achieved by the independent American settlers.

2d. That Colonel Fremont did not cause the conquest of California by furnishing Commodore Sloat with a reason for commencing offensive operations against that province; Commodore Sloat having commenced offensive operations on the west coast of Mexico in consequence of having heard of the commencement of hostilities between Mexico and the United States, and in obedience to the orders of the government of the United States, of June 24, 1845.

3d. That Col. Fremont did not, by the mere terrors of his presence at Monterey, contribute to make the largest British fleet ever seen in the Pacific abandon its intentions to protect California; that fleet having arrived and established a "friendly intercourse" with the American squadron three days *before* the arrival of Capt. Fremont at Monterey.

4th. That Col. Fremont did not participate in the merit of having captured any one of the seven seaport cities of California or the seat of government, those acts of conquest having been performed exclusively by the American fleet and forces under command of Commodores Sloat and Stockton.

5th. That Col. Fremont did not participate in the defeat and dispersion of the insurgent army, and the final capture of the seat of government of California by Commodore Stockton and General Kearney—having arrived at that city "a few days after" its capture.

6th. That Col. Fremont effected nothing for the American arms by accepting, at Couenga, the surrender of certain Mexican officers who had violated their parole, because the convention then made by him was without authority, and was annulled by the proclamation of Commodore Shubrick and General Kearney, which "absolved the Californians from their allegiance to the republic of Mexico," recognised them "as citizens of the United States," and constituted the final and formal act of the conquest of California.